IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

Bail Appl..No. 6045 of 2007()

CRIME NO.141/07 OF POTHANICAD POLICE STATION

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PETITIONER/1ST ACCUSED

SHAJAHAN, AGED 31,
S/O MEERAN, THELAKKATT HOUSE,
NELLIKUZHY P.O., KOTHAMANGALAM.

BY ADV. SRI.KURIAN JOSEPH (ARAKKUNNAM)

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, POTHANICAD POLICE
STATION, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT
OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/10/2007 ALONG WITH BA NO. 6046 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NOs. 6045 & 6046 of 2007

Dated this the 22nd day of October, 2007

ORDER

Applications for regular bail. The common petitioner is the 1st accused in both the crimes. He faces allegations under Sec.401 of the IPC in one case and under Secs.454, 461 and 380 of the IPC in the other. The petitioner was arrested and remains in custody from 16/8/07. Even though the order passed by the learned Sessions Judge shows that the final reports have already been filed, it is conceded before me by the learned Public Prosecutor that the final reports have not been filed in both these cases. All offences punishable do fall under Sec.167(2) proviso (1)(a)(ii) of the Cr.P.C. The final reports having not been filed within a period of 60 days from the date of arrest, the petitioner is entitled for bail by default under Sec.167(2) of the Cr.P.C., submits the learned counsel for the petitioner.

2. That assertion is not denied by the learned Public

Prosecutor. The petitioner is, in these circumstances, entitled to the indefeasible right of bail by default. I am satisfied that, subject to appropriate conditions, the petitioner can be granted regular bail.

3. The learned Public Prosecutor submits that the petitioner is involved in many other cases also. Needless to say, this order will entitle him for bail only in the two cases referred above.

3. **In the result:**

(a) These applications are allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) In each case the petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays, Wednesdays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter as and when directed by

the Investigating Officer in writing to do so.

(iii) The petitioner shall not leave the jurisdiction of the Pothanicad Police Station during the said period of three months. He shall furnish to the Investigating Officer the address of his place of residence within the jurisdiction of the Pothanicad Police Station and shall keep the Investigating Officer informed of change in address, if any.

(R. BASANT, JUDGE)

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